

WWR#21330658

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	
	:	
Paul D. Stump,	:	Case No. 16-57865
	:	
	:	Chapter 13
	:	
Debtor.	:	Judge Charles M. Caldwell
	:	
	:	RE: 2012 Hyundai Sonata

MOTION FOR RELIEF FROM CO-DEBTOR STAY

Now comes First Service Federal Credit Union (“Movant”), by and through its undersigned counsel, and moves this Court pursuant to 11 U.S.C. §1301(c) to grant relief from the co-debtor stay. Support for this Motion is set forth in the following Memorandum.

Respectfully submitted,

/s/Joseph M. McCandlish
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Weltman, Weinberg & Reis Co., L.P.A.
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Counsel for Creditor
First Service Federal Credit Union

MEMORANDUM IN SUPPORT

1. Jurisdiction over this matter is vested in this Court by virtue of 28 U.S.C. § 1334(b) and the general order of reference previously entered in this district. This is a core proceeding under 28 U.S.C. § 157(b)(2)(G).

2. Movant is the holder of a Loan and Security Agreement, signed by Debtor and Co-Debtor Paul D. Stump on October 25, 2014, for a 2012 Hyundai Sonata (VIN: 5NPEC4AC3CH414040). A copy of the Note is attached hereto as Exhibit “A” and a copy of the Certificate of Title is attached hereto as Exhibit “B”.

3. The Debtor filed a Chapter 13 petition in bankruptcy on December 12, 2016.

4. Pursuant to the terms of Debtor’s Amended Chapter 13 Plan, Debtor intends to surrender the property to Movant.

5. Debtor is due for the December, 2016 payment and all subsequent payments in the amount of \$245.60.

6. The current payoff balance is \$17,400.07. The fair market value is \$12,275.00 pursuant to the N.A.D.A. Appraisal Guides. A copy of the N.A.D.A. Appraisal Guides is attached hereto as Exhibit “C”.

7. Continuation of the Co-Debtor Stay will cause irreparable harm to Movant’s interest. The Co-Debtor stay should be terminated under 11 U.S.C. §1301(c).

WHEREFORE, Movant requests this Court to terminate, modify or condition the co-debtor stay imposed under 11 U.S.C. §1301(a).

Respectfully submitted,

/s/Joseph M. McCandlish

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**NOTICE OF MOTION FOR RELIEF FROM CO-DEBTOR STAY
AND CERTIFICATE OF SERVICE**

First Service Federal Credit Union has filed papers with the Court to obtain relief from co-debtor stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Motion, then on or before twenty-one (21) days from the date set forth in the certificate of service for the Motion, you or your attorney must:

1. File with the Court, a responsive memorandum explaining your position, by mailing your response by ordinary U.S. Mail to 170 N. High Street, Columbus, Ohio 43215 OR your attorney must file a response using the court's ECF System.

2. The court must **receive** your response on or before the above date.

3. You must also send a copy of your response by 1) the court's ECF System or by 2) ordinary U.S. Mail to the undersigned, creditor's attorney, and to all parties, besides yourself, listed on the Certificate of Service provided below.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief without further hearing or notice.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Relief from Co-Debtor Stay was served: (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on January 30, 2017 addressed to:

Paul D. Stump, 959 Philadelphia Drive, Unit 2-C, Westerville, OH 43081

Daniel Stump, 916 Ronnie Way, Columbus, OH 43207

Erin E. Schrader, Attorney for Daniel Stump, 5 E. Long Street, Suite 300, Columbus, OH 43215

/s/Joseph M. McCandlish

JOSEPH M. MCCANDLISH #0073775